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TRANS MOUNTAIN EXPANSION PROJECT

Updated February 7, 2018 – Ottawa, Ontario

Prepared by Department of Fisheries and Oceans

Mr. Speaker, I stand today to address the Trans Mountain Expansion Project. This Government has been working diligently to ensure that this important project comes to fruition and bears the promised outcomes of stable, middle-class jobs and security for Canadians. Mr. Speaker, in this country that relies on its ability to sustainably manage its vast natural resources, the Trans Mountain Expansion Project is critical to the Canadian economy and the creation of thousands of jobs.

My colleague across the way from Red Deer—Lacombe, Alberta stated in January, 2016, that “We have not had a very clear signal about what the Liberals are going to do [...] about things like pipelines, one thing they should not do is send a signal to the market that they are going to ban tanker traffic off the west coast to appease a special interest group, which will shut down the northern gateway pipeline that would put billions of dollars of Alberta crude into the marketplace, eliminating the price differential that Alberta's captive market currently is in the North American marketplace.”

Mr. Speaker, my colleagues and I are here today, standing before our colleagues to assert very clearly that this Government intends to make good on its commitments and move forward with the Kinder Morgan Trans Mountain Expansion Project.

This Government has not only worked with our Indigenous partners to determine the best way to proceed on this project, we have also been dedicating ourselves to making it work in a sustainable way.

While we are committed to protecting Canada's coastlines, that are a source of inspiration and pride for Canadians, we are also committed to every Canadian whose livelihood depends on the economic viability of Canada's waterways and natural resources. Many of the jobs that support middle-class families, and the products we use every day, depend on our ability to manage our resources and to share them with our international trade partners.

Oil extraction is no exception. Though we continue to develop new technologies and sources of sustainable energy, we must also continue to participate in the world economy. Canadians are as intent as we are to ensure that our vast and beautiful landscapes and the ecosystems they harbor are, and continue to be, protected.

Canadians are also aware of the importance of economic growth and continued employment opportunities. This Government will continue to support hard-working Canadians.

The Department of Fisheries and Oceans is working closely with the National Energy Board and the Proponent through the permitting phase of the project. On September 8, 2017, Fisheries and Oceans issued the authorization for the marine terminal expansion. Work has begun on the marine terminal and final planning is well underway for the pipeline component of the project.

The Liberal Party has been clear: protecting our natural heritage and our oceans is a priority. Canada is a maritime nation, with more coastline than any other country in the world. Canadians rely on their coasts and waterways for recreation, to deliver products to market, and to earn their livelihood, but also cherish them for cultural reasons. All Canadians, and especially coastal communities, need confidence that commercial shipping is taking place in a way that is safe for mariners and that protects and sustains the economic, environmental, social, and cultural health of our oceans and coasts

In November, 2016, the Prime Minister launched the Oceans Protection Plan. This national \$1.5 billion investment will protect Canada's marine environments, improve marine safety and responsible shipping. It will also provide Indigenous groups and coastal communities with new opportunities to protect, preserve, and restore Canada's oceans and sea routes.

The Oceans Protection Plan is an ambitious, whole-of-government approach to oceans management that involves working with the provinces and territories, Indigenous Peoples, industry, environmental organizations and a host of other partners to further protect our coasts and waterways in the Atlantic, Pacific and Arctic.

This national strategy is creating a world-leading marine safety system that provides economic opportunities for Canadians today, while protecting our coastlines and clean water for generations to come. The Honourable Dominic LeBlanc, Minister of Fisheries, Oceans and the Canadian Coast Guard, the Honourable Catherine McKenna, Minister of Environment and Climate Change Canada, and the Honourable Marc Garneau, Minister of Transport, have announced several initiatives as part of the Oceans Protection Plan – and this Government is busy implementing those initiatives.

One of these initiatives is Marine pilotage. Marine pilotage is a service where marine pilots take control of a vessel and navigate it through Canadian ports and waterways. In Canada, once a vessel enters a compulsory pilotage area, under law, the vessel is obligated to have a Canadian marine pilot to guide its transit through the area. Marine pilotage has a success rate of over 99%, providing Canadians with the assurance that ships in their waters are travelling safely to and from their destinations.

Pilotage has a direct impact on significantly reducing vessel accidents such as collisions, power groundings and drift groundings. Canadians can confidently say that when marine pilots are combined with the use of escort and standby tugs, shipping operations in Canadian waters are very safely conducted.

Mr. Speaker, this Government is balancing the needs of Canada and Canadians today, and the right of all Canadians to preserve our natural heritage for generations to come. There is no question that our oceans and coastal areas are a beloved and defining part of our country's identity. There is also no question that moving forward with the Trans Mountain Expansion Project was a difficult decision to make. Canadians know and understand that this Government is

committed to ensuring that it is done in a sustainable way: over land and water.

The decision was made to proceed with the project that would have the least environmental impact possible.

Pursuing the completion of the Trans Mountain Expansion Project in no way reduces this Government's efforts to continue moving towards an economy that is less and less dependent on oil. Let us say it bluntly: we must move forward with the Trans Mountain Expansion Project for economic reasons; we are also pursuing medium and long-term projects that will allow Canada to not only develop sustainable energy, but also to market this energy to our international trade partners.

Together, Canadians can ensure that jobs and economic growth continue to be on the menu for years to come. Together, Canadians can work toward developing these technologies of the future. Together, Canadians can protect and restore our immeasurable valuable natural environment.

Canada is a proud maritime trading nation whose ports and marine corridors are becoming increasingly active. As the stewards of our

land and water, we have an opportunity to address the challenges facing our oceans and coastal regions today while also preparing for the added pressures they may face tomorrow.

Fifty years from now, our children and grandchildren will be gifted an environmental inheritance that must include healthy, productive and prosperous oceans and coastal areas. Fifty years from now, our children and grans children will also have benefitted from a strong economy: education, healthcare, employment, research.

The Trans Mountain Expansion Project is today's contribution to that future. This government is committed to ensuring that it moves forward in a measured and deliberate way. We are committed to overseeing every step of the process and to ensuring that developers adhere to every recommendation they have been bound to.

And, Mr. Speaker, this Government is also committed to getting the most out of this investment that Canadians are making. While the Trans Mountain Expansion Project does promise direct employment for the middle-class, it also will bring numerous other indirect opportunities for Canadians and will have economic outcomes that cannot be passed up.

We have listened to and heard Canadians who told us that we need to address climate change by reducing greenhouse gas emissions.

We have also listened to and heard Canadians tell us we need to promote economic prosperity.

The Government of Canada is taking steps to do both. We are supporting programs and research that will lessen our reliance on fossil fuels. We have introduced carbon pricing and are investing in the clean energy economy of tomorrow.

We also need to make responsible decisions about the energy we use and how we move it safely to the global marketplace. To do this, we are on the ground, making sure that the pipelines we build are safe and benefit from modern technologies.

The Canadian Government is investing in an ambitious Ocean Protection Plan, we are protecting our unspoiled wilderness and coastlines, and we are building partnerships with Indigenous peoples, hearing their concerns and using their traditional knowledge.

As part of these ambitious projects, Canada's energy industry must remain a source of good, middle-class jobs to ensure future opportunities for Canadians.

Mr. Speaker, Colleagues across the way, the Trans Mountain Expansion Project is a good idea for Canada and for Canadians. We continue to support this project and we continue to move forward with it. We also continue to work to ensure that it is carried out in a sustainable way, that we protect our invaluable oceans and wilderness. We continue to work with our Canadian partners and stakeholders to deliberately and systematically address challenges as they present themselves. We do this for a stronger and better Canada. Thank you

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GCCMS #: 2017-009-00727

**Spawning Deterrent Mats for the Trans Mountain Expansion Project –
Response to the Honourable George Heyman**

On November 1, 2017, the Honourable George Heyman, Minister of Environment and Climate Change Strategy, British Columbia, wrote to Minister Leblanc regarding the placement of spawning deterrent mats by the proponent for the Trans Mountain Expansion (TMX) Project.

At the time, the installation of the mats was highly controversial and generated public and media interest. Since that time, the Department has responded to watercourse crossing referrals from the National Energy Board and interest in the spawning deterrent mat issue has subsided. This information is publically available on the National Energy Board project registry.

On April 8, 2017, Kinder Morgan announced that it is suspending all “non-essential activities” and related spending for the TMX project. The proponent is citing ongoing opposition from the Government of British Columbia. The proponent has stated that it will consult with stakeholders in an effort to reach agreements before May 31, 2018.

This announcement has received considerable media attention with government officials actively working to move the project forward.

In light of the escalation of events, consideration of the time that has passed, and the sensitivity of this project, it is recommended that the response be considered overtaken by events and a reply not sent to Minister Heyman.

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TRANS MOUNTAIN EXPANSION PROJECT

General Lines:

- The protection of our environment and the preservation of fish and fish habitat are top priorities for Fisheries and Oceans Canada.
- Fisheries and Oceans Canada and the National Energy Board work closely on reviewing and monitoring the marine and pipeline components of energy infrastructure projects to minimize potential impacts to fish and fish habitat.
- Following an initial review, if the National Energy Board suspects that there may be serious harm to fish at individual watercourses, they will be referred to Fisheries and Oceans Canada for further review.
- ~~In September 2017, the National Energy Board referred ten watercourse crossings to Fisheries and Oceans Canada for further analysis. On February 12, 2018, my Department informed the National Energy Board that three of the crossings require authorization under the *Fisheries Act*.~~
- We are committed to working with the National Energy Board, Indigenous groups, the proponent and other relevant parties to ensure that fish, marine mammals, and their habitats are protected throughout the construction and operation of the project.

If pressed on Monitoring at the Westridge Marine Terminal

- In September 2017, Fisheries and Oceans Canada provided a *Fisheries Act* authorization for construction related activities at the Westridge Marine Terminal.
- The proponent provides monthly monitoring reports for approved work at the marine terminal as a condition of the authorization.
- Fisheries and Oceans Canada officials are reviewing the most recent monitoring report to confirm compliance with conditions of the *Fisheries Act* authorization, some of which relate to the protection of marine mammals.

If pressed on Southern Resident Killer Whales:

- Our government is committed to the protection of Canada's resident killer whales and to the recovery of these populations.
- Our Government is working in partnership with Indigenous peoples, key stakeholders, international partners and the province of British Columbia on immediate actions to reduce the impact of marine shipping and assist in the recovery of the southern resident killer whale.
- Before any shipping from the Trans Mountain Expansion (TMX) project begins, our Government is committed to advancing work in key areas to reduce impacts on Southern Resident Killer Whales. The objective is to more than mitigate the impact of additional TMX marine traffic before the project begins operations.

If pressed on Spawning Deterrents:

- The National Energy Board reviewed and assessed the appropriateness of spawning deterrent mats at the watercourse crossings where their use was proposed by Trans Mountain.
- The potential for the placement of spawning deterrent mats to cause an impact is site and circumstance specific. Based on the information available, no enforcement action is being contemplated at this time by my Department.
- My Department continues to actively work with the National Energy Board to monitor watercourse crossing activities for potential impacts to fish and fish habitat

Message général

- La protection de notre environnement et la conservation du poisson et de l'habitat du poisson font partie des grandes priorités de Pêches et Océans Canada.
- Pêches et Océans Canada et l'Office national de l'énergie collaborent étroitement dans le cadre de l'examen de certains aspects d'oléoducs des projets d'infrastructure énergétique pour limiter les impacts possibles sur le poisson et l'habitat du poisson.
- Après un premier examen, si l'Office national de l'énergie soupçonne d'éventuels dommages sérieux aux poissons de certains cours d'eau, ils seront portés à l'attention de Pêches et Océans Canada aux fins d'examen plus approfondi.
- En septembre 2017, l'Office national de l'énergie a signalé dix traversées de cours d'eau à Pêches et Océans Canada pour des analyses approfondies. Le 12 février 2017, mon ministère a informé l'Office national de l'énergie que trois des traversées doivent faire l'objet d'une autorisation en vertu de la *Loi sur les pêches*.
- Nous sommes déterminés à collaborer avec l'Office national de l'énergie, les groupes autochtones, le promoteur et les autres parties intéressées afin de protéger les poissons, les mammifères marins et leurs habitats tout au long de la construction et de l'exploitation du projet.

Si on insiste sur les épaulards résidents du sud :

- Notre gouvernement s'est engagé à protéger les épaulards résidents au Canada et à assurer le rétablissement de leurs populations.
- Notre gouvernement travaille en partenariat avec les peuples autochtones, les intervenants principaux, les partenaires internationaux et la province de la Colombie-Britannique sur les mesures immédiates visant à réduire l'impact du transport maritime et à aider au rétablissement de l'épaulard résident du sud.
- Avant le début du transport maritime dans le cadre du projet d'agrandissement du réseau Trans Mountain (TMX), le gouvernement du Canada s'est engagé à faire

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progresser les travaux dans les secteurs clés pour réduire les impacts sur les épaulards résidents du sud. Le but est de faire plus qu'atténuer les impacts de l'accroissement du trafic maritime engendré par le projet TMX avant même qu'il ne débute.

Si on insiste sur les tapis de dissuasion du frai :

- L'Office national de l'énergie a examiné et évalué la pertinence de tapis de dissuasion du frai aux traversées de cours d'eau lorsque leur utilisation était proposée par Trans Mountain.
- Le risque que la pose de tapis de dissuasion ait des répercussions varie en fonction du site et des circonstances. D'après l'information disponible, aucune mesure d'application n'est envisagée pour le moment par mon ministère.
- Mon ministère continue de travailler activement avec l'Office national de l'énergie pour surveiller les activités de traversées de cours d'eau afin de déterminer les effets potentiels sur le poisson et son habitat

Background:

- The Trans Mountain Expansion Project (TMX) would expand the existing Trans Mountain pipeline system between Edmonton, AB and Burnaby, BC. It includes approximately 987 km of new pipeline, new and modified facilities, such as pump stations and tanks, and the reactivation of 193 km of existing pipeline. The Project includes an expansion of the Westridge Marine Terminal to accommodate 34 tankers per month, up from the 5 that are currently loaded at the existing terminal.
- On November 29, 2016, the Governor in Council (GIC) approved TMX and issued an Order in Council approving the Project subject to 157 conditions identified by the National Energy Board (NEB).
- In its review of the Project, the NEB found that there would be significant adverse effects related to increases in marine shipping assessed under the *National Energy Board Act* with respect to the Southern Resident Killer Whale (SRKW), Indigenous cultural use associated with the SRKW and direct greenhouse gas emissions from marine vessels.
- DFO was an intervenor in the NEB review and provided specialist and expert information for the construction and operation of the marine terminal, including potential impacts from increased marine shipping.
- On September 8, 2017, DFO issued the *Fisheries Act* authorization for construction of the marine terminal expansion. Although local Indigenous groups opposed the terminal expansion, a judicial review of the authorization was not filed.
- The NEB is responsible for reviewing proposed works, undertakings and activities at TMX watercourse crossings pursuant to a Memorandum of Understanding between DFO and the NEB on the cooperation and administration of the *Fisheries Act* and the *Species at Risk Act*.
- In early September 2017, the NEB became aware that Trans Mountain had installed fish spawning deterrents in several watercourses along the pipeline route. On October 12, 2017, the NEB issued a letter to Trans Mountain confirming the installation of the spawning deterrents was in non-compliance with the Project certificate and NEB Act. The NEB notified DFO and ordered the Proponent to cease the installation of additional spawning deterrents, and to remove the mats when impacts to fish and fish habitat could be avoided. On December 12, 2017, the last of the spawning deterrent mats was removed.
- DFO is working closely with the NEB on watercourse crossings where the NEB is of the view that works, undertakings or activities may cause *serious harm to fish*. DFO remains responsible for issuing any authorizations under the *Fisheries Act*.
- In approving the project, the Government of Canada committed to more than mitigate the impact of additional TMX marine traffic (i.e. underwater vessel noise) before the project begins. DFO and Transport Canada have been working on the review and assessment of measures, including approaches proponents could take to be more active in the direct mitigation of underwater noise from project-related vessel traffic.
- The Judicial Review of the NEB report and Governor in Council decision on the project concluded on October 13, 2017. In addition to concerns related to Indigenous consultation, the NEB's assessment of SRKW and the increase of marine shipping and underwater noise were raised during the hearing. A decision is anticipated by summer 2018.

Contexte:

- Le projet d'expansion de Trans Mountain (projet TMX) élargirait ce réseau de pipelines qui s'étend d'Edmonton (Alb.) à Burnaby (C.-B.). Ce projet comprendrait l'ajout d'un nouveau pipeline d'environ 987 km, l'ajout de nouvelles installations et la modification des installations existantes, comme les stations de pompage et les réservoirs, et la réactivation d'un tronçon de 193 km du pipeline existant. Le terminal portuaire Westridge serait aussi agrandi pour pouvoir accueillir 34 pétroliers par mois, comparativement aux 5 qu'il peut présentement accueillir.

- Le 29 novembre 2016, le gouverneur en conseil (GC) a approuvé le projet TMX et pris un décret approuvant le projet sous réserve des 157 conditions définies par l'Office national de l'énergie.
- L'examen du projet par l'Office a révélé que l'intensification du transport maritime évaluée en vertu de la *Loi sur l'Office national de l'énergie* aurait d'importants effets nocifs sur les épaulards résidents du sud et l'utilisation culturelle de cette espèce par les Autochtones, et cette augmentation du trafic provoquerait aussi directement une hausse des émissions de gaz à effet de serre provenant des navires.
- Pêches et Océans Canada (MPO) est intervenu dans le processus d'examen de l'ONE et a fourni des renseignements spécialisés et des avis d'experts sur la construction et l'exploitation du terminal portuaire, notamment de l'information sur les effets que la hausse du trafic maritime pourrait avoir.
- Le 8 septembre 2017, le MPO a autorisé, aux termes de la *Loi sur les pêches*, la construction de l'expansion du terminal portuaire. Les groupes autochtones locaux se sont opposés à l'expansion du terminal, mais aucun examen judiciaire de l'autorisation n'a été déposé.
- L'Office national de l'énergie est chargé d'examiner les travaux, ouvrages et activités que l'on propose de mener aux traversées de cours d'eau par où le projet TMX doit passer, conformément à un protocole d'entente conclu entre le MPO et l'Office sur l'application de la *Loi sur les pêches* et de la *Loi sur les espèces en péril*, et la coopération à cet égard.
- Au début de septembre 2017, l'Office s'est rendu compte que Trans Mountain avait installé des dispositifs de dissuasion du frai dans plusieurs cours d'eau longeant le pipeline. Le 12 octobre 2017, l'Office national de l'énergie a adressé une lettre à Trans Mountain dans laquelle il confirme que l'installation de dispositifs de dissuasion du frai n'était pas conforme au certificat d'autorisation du projet ni à la *Loi sur l'Office national de l'énergie*. L'Office en a informé le MPO et a ordonné au promoteur de cesser d'installer d'autres dispositifs de dissuasion, et d'enlever ces dispositifs là où les effets sur le poisson et l'habitat du poisson pourraient être évités. Le 12 décembre 2017, les derniers dispositifs de dissuasion du frai ont été enlevés.
- Le MPO collabore étroitement avec l'Office national de l'énergie sur les traversées de cours d'eau pour lesquelles l'Office est d'avis que les travaux, ouvrages et activités peuvent causer des dommages sérieux au poisson. Le MPO demeure responsable d'émettre les autorisations en vertu de la *Loi sur les pêches*.
- Lorsqu'il a approuvé le projet, le gouvernement du Canada s'est engagé à faire plus qu'atténuer les répercussions du trafic supplémentaire dû au projet TMX (soit le bruit sous-marin causé par les navires) avant que le projet débute. Le MPO et Transports Canada examinent et évaluent actuellement les mesures, notamment les mesures que les promoteurs pourraient prendre pour procéder plus activement à l'atténuation directe du bruit sous-marin attribuable au trafic maritime occasionné par le projet.
- L'examen judiciaire du rapport de l'ONE et de la décision du gouverneur en conseil concernant le projet a pris fin le 13 octobre 2017. Outre les préoccupations touchant les consultations auprès des Autochtones, l'évaluation des épaulards résidents du sud par l'Office et l'intensification du transport maritime et du bruit sous-marin ont été abordés pendant l'audience. Une décision devrait être prise d'ici l'été 2018.

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Fisheries and Oceans
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Approved by RDG

Docket #: 2018-009-00314

Security Classification: UNCLASSIFIED

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SCENARIO NOTE

MEETING WITH THE HONOURABLE LANA POPHAM, BC MINISTER OF AGRICULTURE

Overview

You will be meeting with Minister Popham by telephone at 4:30 p.m. EST on June 5, 2018. This replaces a ~~planned meeting on originally planned~~ for April 17, 2018, ~~that which~~ was cancelled. The purpose of the meeting is to discuss a number of ~~resource management issues that have with~~ implications for both the federal and provincial governments, including:

1. Interior Fraser River Steelhead Trout Emergency Listing Process
2. Trans Mountain Pipeline Expansion
3. Aquaculture including the MAACFA Report
4. Salmon Management
5. International Year of the Salmon
6. *Fisheries Act* Review
7. Ahousaht decision and Indigenous Reconciliation

On March 23, 2018 Ministers Popham and Donaldson sent you a letter indicating their concern for Interior Fraser steelhead and salmon stocks, in particular that 20 strains of Fraser salmon are being considered for listing as endangered. The letter expresses the desire to support the recovery of salmon stocks through improving the working relationship between DFO and the Province and through engagement with Indigenous peoples and other stakeholder groups. The letter notes that improving collaboration could have the benefit of aligning outcomes with the International Year of the Salmon (2019) and the release of DFO's *Wild Salmon Policy Implementation Plan*.

DFO generally has a positive relationship with the Province. Since the ~~federal~~ fisheries portfolio is spread across a number of different BC Provincial ministries, there is a level of complexity to the intergovernmental relationship between DFO and BC. Key provincial agencies for DFO include:

- The Ministry of Agriculture, ~~is~~ responsible for the seafood industry, fish processing and supports the aquaculture industry. The Ministry of Agriculture also houses BC's 'Seafood Secretariat', which coordinates the BC government's response and participation on issues

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related to fisheries and aquaculture.

- The Ministry of Forests, Lands, Natural Resource Operations & Rural Development, which houses the terrestrial and marine planning portfolios for the Province, including the issuance of Provincial land tenures required for aquaculture operations. This Ministry also includes a Director of Fish and Aquatic Habitat, a new position that was created in May, 2018.
- The Ministry of Environment, which oversees fisheries management issues in marine waters, fish habitat and species at risk protection and aquatic invasive species.

1. Issue: Interior Fraser River Steelhead (Thompson and Chilcotin Populations)

Spawning escapement of Interior Fraser Steelhead has been on a downward trend for many years, with recent years' escapements reaching the lowest on record. This resulted in a request for the Committee on the Status of Endangered Wildlife in Canada (COSEWIC) to undertake an emergency assessment, and their report, issued February 13, 2018, assessed both the Thompson River and Chilcotin River Steelhead Trout as *Endangered*. The emergency listing process is currently underway to determine whether or not to list these two designated units (DUs) under the *Species at Risk Act* (SARA) on an emergency basis.

Steelhead are managed by ~~BC~~the Province; however they co-migrate with ~~Cehum~~ Ssalmon and may therefore be intercepted in both coastal and in-river fisheries directed on Cehum Ssalmon.

Minister's Objectives

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Key Messages

- **Both the federal and provincial governments need to collaborate throughout the Steelhead emergency listing process, as joint managers of the resource.**
- **We are I understand DFO and Provincial Ministries are working at senior management levels to develop a formal joint governance structure to facilitate a coordinated and collaborative emergency listing process.**
- **Collaboration is also critical at the working level between DFO and Provincial staff in order to complete the work that needs to be done to**

Comment [CJ1]: Just wanted to clarify here. Is it the Federal and Provincial agencies that are working on a process? If so, the Minister would probably word it along the lines of the edits.

Comment [FK2]: DFO is working with Min of Ag, FLNRO and Environment on this. So "Provincial Ministries" is correct.

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further inform recommendations on a listing decision, under compressed timelines.

- While DFO has significantly curtailed commercial fisheries that may impact Interior Fraser River steelhead for many years, we have been consulting on additional conservation measures for 2018 (i.e. a rolling fisheries closure that essentially travels with the fish as they migrate through Johnstone Strait and the Strait of Georgia, and up the Fraser River).
- Closures could include marine and in-river commercial chum fisheries, as well as Indigenous food, social and ceremonial (FSC) fisheries, which would also necessitate closure of recreational fisheries in the Fraser River.

2. Issue: Trans Mountain Pipeline Expansion

The Trans Mountain Expansion Project is a proposed expansion of the existing Kinder Morgan pipeline system between Edmonton, Alberta and Burnaby, British Columbia. It involves approximately 987 km of new pipeline, new and modified facilities, and the reactivation of 193 km of existing pipeline, which would effectively triple the system's capacity. Also proposed and underway, is the expansion of the Westridge Marine Terminal located in Burrard Inlet to accommodate 34 tankers per month, up from five per month.

The project has faced significant protests and legal challenges, including a plan by British Columbia to put before the courts a reference case requesting guidance on whether British Columbia has the jurisdiction to prevent the shipment of diluted bitumen through the province.

In April, the proponent issued an ultimatum indicating that it needed clarity on the path forward for the \$7.4-billion project by May 31, 2018 or it would abandon construction. In response, the Finance Minister announced that the Government of Canada would be willing to compensate Kinder Morgan for any losses incurred due to the Province's political opposition to the project.

Comment [CJ3]: Should confirm this with EMB / OPP (Tracey or Ken Smith?)

Comment [TS4]: A suggestion for Policy to build on or replace as appropriate.

Minister's Objectives

- [REDACTED]

Comment [TS5]: [REDACTED]

Key Messages

- The protection of our environment and the preservation of fish and fish habitat are top priorities for Fisheries and Oceans Canada.

s.21(1)(a)

- Fisheries and Oceans Canada and the National Energy Board work on reviewing the pipeline components of energy infrastructure projects to minimize potential impacts to fish and fish habitat.
- We are committed to working with the National Energy Board, Indigenous groups, the proponent and other relevant parties to ensure that fish, marine mammals, and their habitats are protected throughout the construction and operation of the project.

[Highlight OPP investment and commitment of DFO to ensuring protection for oceans and marine ecosystems]

- The environmental rigour already in play under the \$1.5B Oceans Protection Plan is a demonstration of our shared environmental values to both governments.
- Under the Oceans Protection Plan, researchers will examine how oil spills behave in water, how we might improve clean-up technologies, what impacts they may have and alternative response measures, how to best mitigate impacts, and how to ensure ecological recovery after an incident.

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Comment [CJ6]: Again, let's get key messaging from old notes or EMB/OPP.

3. Issue: Aquaculture

The province is facing increasing - and often times divergent - pressure from Indigenous groups, industry, international and other levels of governments on aquaculture issues.

On April 4, 2018, the BC government released the Ministers Advisory Council on Finfish Aquaculture which provided six recommendations to improve the management of salmon aquaculture in BC. The recommendations are generally in alignment or complementary to those of the Office of the Auditor General, which was released on April 24, 2018. DFO is already making progress in some of the areas where improvements were recommended and should be in a good position to respond.

Minister's Objectives

- [REDACTED]

Key Messages

Use of scientific evidence to inform decision making in areas such as fish health

- **We have recently announced the creation of an independent expert panel to provide recommendations on the appropriate use and consideration of scientific evidence in protecting the marine environment in decision-making on aquaculture.**
- **The Department's Fish Health Audit and Surveillance Program and investments in research such as the Strategic Salmon Health Initiative will continue to focus on increasing our understanding of the dynamics of fish health and minimize the risks to wild fisheries resources.**

Broughton Archipelago - Process

- **We recognize the concerns of First Nations, especially of those in the Broughton archipelago area. We also recognize the challenges that this represents to industry as it relates to the renewal of tenures.**
- **We are interested in discussing the future of these tenures and process for approvals in the Broughton and other areas of British Columbia considering the reconciliation agenda with Indigenous people.**

Litigation on the Introduction and Transfer Licences and Duty to Consult

- **There are two significant matters currently before the courts in the *Morton* and *Namgis* cases related to the duty to consult and testing for piscine reovirus (PRV) before the issuance of an Introductions and Transfer licence.**
- **DFO will consider any implications of the decisions once they are rendered, but in the interim is continuing to issue Introductions and Transfers licences to stock fish.**

BC Minister of Agriculture's Advisory Council on Finfish Aquaculture (MAACFA)

- **We thank BC for completing this review and look forward to working with you in considering how to best respond to the recommendations set out in the MAACFA report.**

s.21(1)(a)

s.21(1)(b)

- The Office of the Audit General released their report on finfish aquaculture on April 24, 2018. Many of the recommendations are complementary to the MAACFA report.
- DFO has already started work in some of the key areas that are identified for improvement and looks forward to sharing that work with BC.

4. Issue: Salmon Management

The provincial government Province of BC is discussing the idea of a dedicated provincial government entity to streamline their wild salmon related work, as currently salmon-related responsibilities fall between six provincial ministries.

Minister's Objectives

-
-

Key Messages

- The development of the *Wild Salmon Policy Implementation Plan* is a key part of DFO's response to the Cohen Commission, which includes the sustainable management of wild Pacific salmon in collaboration with First Nations, the BC government, stakeholders, and other partners.
- DFO appreciates BC's participation to date, and is interested in other related opportunities for collaboration going forward, especially around salmon habitat science, monitoring and restoration.
- Broad engagement undertaken in the fall of 2017 on the development of a draft *Wild Salmon Policy Implementation Plan* involved consultations with more than 90 First Nations, stakeholders and the public across the province. Many comments received called for greater collaboration between our respective agencies.

s.21(1)(a)

s.21(1)(b)

- **Integrated Fisheries Management Plans (IFMPs) are developed annually with feedback from First Nations, commercial, and recreational fishermen, and the Integrated Harvest Planning Committee.**
- **DFO is proposing a reduction in exploitation rates for specific chinook stocks of concern, both to support conservation and promote rebuilding of steelhead.**

5. Issue: International Year of the Salmon

The International Year of the Salmon (IYS) is a project launched by North Pacific Anadromous Fish Commission (NPAFC) and the North Atlantic Salmon Conservation Organization (NASCO) and other partners. The IYS focal year will be 2019, with projects and activities starting in 2018 and continuing into 2020.

The IYS is an international framework for collaborative outreach and research. Through outreach efforts the IYS will raise awareness of what humans can do to better ensure salmon and their varied habitats are conserved and restored against the backdrop of increasing environmental variability, and thus the overall theme is 'salmon and people in a changing world'. The IYS will stimulate an investment in research and leave a legacy of knowledge, data/information systems, tools, and a new generation of scientists better equipped to provide timely advice to inform management of salmon.

Minister's Objectives

- [REDACTED]

Key Messages

- **IYS provides a tremendous opportunity for BC to join collaborative efforts with others regarding a range of management issues linked with salmon.**
- **IYS also provides an opportunity to show-case good work in international forums and to both share with and learn from experts from around the northern hemisphere.**

6. Issue: Fisheries Act Changes and Implementation

[REDACTED]

s.21(1)(a)

s.21(1)(b)

Minister's Objectives

- [REDACTED]

Key Messages

- In the past two years provinces and territories, including British Columbia, have contributed significant input to the *Fisheries Act* changes. Much of this input was reflected in Bill C-68, which was tabled in the House of Commons on February 6, 2018.
- A number of briefings took place through CCFAM at the Deputy Minister level, as well as at the technical level through the *Fisheries Act* Task Group. More briefings will be held in the weeks to come.
- We look forward to further work with BC as program, policy and regulatory updates are developed consistent with the changes to the *Fisheries Act*, particularly in the areas of habitat science, monitoring and protection.

7. Issue: *Ahousaht* Decision and Indigenous Reconciliation

Minister's Objectives

- [REDACTED]

Key Messages

Indigenous Reconciliation

- DFO supports the new federal *Framework on the Recognition and Implementation of Indigenous Rights*. We recognize that fish, fisheries, oceans, aquatic habitat, and marine waterways are culturally, socially, and economically significant for Indigenous communities.

- **DFO values open dialogue and will continue to use its negotiation tables as a primary vehicle for discussion on Indigenous rights, continuing to encourage First Nations to negotiate how their rights will be implemented.**

Ahousaht Decision

- **Fisheries and Oceans Canada is taking the time necessary to review the *Ahousaht* decision at this time.**
- **The BC Supreme Court decision is largely positive from DFO's perspective and brings some helpful clarification to the rights of the five Nuuchahnulth Nations. The decision clarifies the scope and nature of the Five Nations' right to fish and sell fish.**
- **DFO has developed an operational readiness plan in order to ensure that DFO communicates with stakeholders and Indigenous groups promptly following the decision, and that fisheries continue to be managed in an orderly, safe, stable and predictable manner.**

Attachment 1:

Tab 1: Background

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Background

1. Steelhead Trout (Thompson and Chilcotin Populations) Emergency Listing Process

Species at Risk Act (SARA) Emergency Listing Process

The Committee on the Status of Endangered Wildlife in Canada (COSEWIC) conducted an emergency assessment (made public on February 13, 2018) and found the Thompson and Chilcotin Steelhead Trout to be endangered and facing imminent threat to their survival. Factors contributing to their decline include poor ocean survival and bycatch in commercial fisheries however, other likely threats such as habitat and water use were not assessed.

If the Minister of Environment and Climate Change (MECC), in consultation with you, is of the opinion that there is an imminent threat to the survival of a wildlife species, she must, on an emergency basis, make a recommendation to Governor in Council (GiC) that the species be listed under Schedule 1 of SARA. If the MECC determines that an imminent threat is not present, the species will exit the emergency listing process and will await the regular COSEWIC assessment that triggers the regular listing process.

While the Ministerial recommendation for an emergency listing must be based solely on an analysis of an imminent threat to survival, GiC, in making a final listing decision, will consider other factors (e.g., management scenarios, socio-economic analysis, and consultation feedback). Listing triggers automatic protections under SARA (notably prohibitions against killing, capturing and taking individuals), and obligations to plan for recovery and protect critical habitat from destruction. Because Steelhead co-migrate with chum salmon they may be caught in fisheries targeting chum salmon. Chum support important commercial and FSC fisheries. SARA prohibitions could result in significant socio-economic impacts to commercial and recreational fishing sectors, and a critical loss of access for Indigenous groups.

Steelhead Management

The Thompson and Chilcotin Steelhead Trout populations in British Columbia's Fraser River watershed have been declining since 2005 when there were more than 2,000 and 400 spawning individuals respectively. The 2018 spring spawning forecast estimates returns of only 177 fish in the Thompson and 58 fish in the Chilcotin.

As part of the Interior Fraser River Steelhead stock group, these populations co-migrate with other Fraser River salmon travelling to spawning areas, particularly Chum. Thus, they can be intercepted in commercial; Food, Social, and Ceremonial (FSC), and recreational fisheries. The Department has implemented a number of management actions to minimise fisheries impacts to Interior Fraser River Steelhead.

The Province also manages recreational fisheries (including targeted catch-and-release fisheries for Steelhead) in non-tidal waters while Canada manages salmon fisheries in both tidal and non-tidal waters. Both are guided by the *Provincial Framework for Steelhead Management in British Columbia*.

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s.21(1)(b)

Canada-BC Agreement on Species at Risk

The *Canada-BC Agreement on Species at Risk* (2008), stipulates that prior to Cabinet decision on a routine or emergency listing of a species, Canada will consult with British Columbia and inform British Columbia of the listing decision and the rationale for that decision in a manner consistent with federal legal requirements. While Canada is not yet in the position to make listing decisions on Steelhead or any of the salmon species undergoing a listing process, early and ongoing engagement with the Province at all levels is essential for informed discussions on upcoming listing decisions at a later date.

Collaboration on Steelhead Emergency Listing Process

The provincial government has jurisdiction over Steelhead non-tidal habitat and recreational fisheries; they have shown strong interest in participating in the emergency listing process. Interactions with the Province to date have included data exchange with technical staff in support of the development of science advice (through a recovery potential assessment) and discussions on proposed management measures described in the 2018 draft South Coast Salmon Integrated Fisheries Management Plan. DFO has initiated discussions around joint governance at senior management levels with the Ministry of Environment and Ministry of Forest, Lands, Natural Resource Operations and Rural Development. A further meeting has been scheduled for April 27, 2018 with a request for participation from the Ministry of Agriculture.

In moving forward with the emergency listing process for Thompson and Chilcotin Steelhead, DFO is working with the Province to develop joint governance structures that will ensure information is shared in a timely fashion and that all key provincial ministries are engaged throughout the process, namely Environment; Agriculture; and Forest, Lands, Natural Resource Operations and Rural Development.

2. Trans Mountain Pipeline Expansion

The Trans Mountain Expansion Project (TMX) would expand the existing Trans Mountain pipeline system between Edmonton, Alberta and Burnaby, British Columbia (BC). It includes approximately 987 km of new pipeline, new and modified facilities, such as pump stations and tanks, and the reactivation of 193 km of existing pipeline. The Project includes an expansion of the Westridge Marine Terminal to accommodate 34 tankers per month, up from the 5 that are currently loaded at the existing terminal.

On November 29, 2016, the Governor in Council (GIC) approved TMX and issued an Order in Council approving the Project subject to 157 conditions identified by the National Energy Board (NEB). On January 9, 2017, the Province of British Columbia issued an Environmental Assessment Certificate for the Project subject to an additional 37 conditions.

In its review of the Project, the NEB found that there would be significant adverse effects related to increases in marine shipping assessed under the National Energy Board Act (NEB Act) with respect to the Southern Resident Killer Whale (SRKW), Indigenous cultural use associated with

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the SRKW and greenhouse gas emissions from Project-related marine vessels.

On September 8, 2017, DFO issued a Fisheries Act authorization for construction of the Westridge Marine Terminal expansion, and conducts monthly site inspections to ensure compliance with the conditions of the authorization and the Fisheries Act.

The NEB is responsible for reviewing proposed works, undertakings and activities at TMX pipeline watercourse crossings pursuant to the Memorandum of Understanding between the National Energy Board and Fisheries and Oceans Canada for cooperation and administration of the Fisheries Act and the Species at Risk Act related to regulating energy infrastructure.

DFO is working closely with the NEB on TMX pipeline watercourse crossings where the NEB is of the view that works, undertakings or activities may cause serious harm to fish or impact aquatic species at risk. To-date, the NEB has referred thirteen watercourse crossings to DFO, where authorizations or permits under the Fisheries Act or Species at Risk Act (SARA) could be required. DFO has reviewed and responded to all NEB watercourse crossing referrals, and advised the NEB that Fisheries Act authorizations would be required at 2 crossings where an open-cut primary crossing method is proposed, and at 3 crossings within critical habitat for the endangered Nooksack dace, listed under Schedule 1 of the SARA.

s.21(1)(b)

In approving the Project, the Government of Canada committed to more than mitigate the impact of additional Project-related marine vessel traffic (i.e. underwater vessel noise) before the Project begins. DFO and Transport Canada have been working on the review and assessment of measures, including approaches that could be taken to be more active in direct mitigation of underwater noise from Project-related vessel traffic.

The consolidated judicial review of the NEB report and Governor in Council decision on the Project concluded on October 13, 2017. In addition to concerns related to Indigenous consultation, the NEB's assessment of SRKW, and the increase of marine shipping and underwater noise were raised during the hearing. [REDACTED]

On May 24, 2018, the BC Supreme Court dismissed petitions from the City of Vancouver and Squamish Nation challenging an environmental assessment certificate issued by the Province for the Project. On the same day, the City of Burnaby announced that it would challenge the NEB's approval of Kinder Morgan's chosen route for the proposed pipeline through the city.

Last month, Kinder Morgan suspended non-essential activities and spending on the Project setting a May 31, 2018 deadline by which it will reach a decision on whether to proceed after consulting with investors and shareholders.

3. Aquaculture

Fish Health Management and Research

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s.14(a)

s.21(1)(b)

Fish health issues continue to be of high public concern and interest with respect to salmon aquaculture in BC. DFO is continuing to invest significant resources into new research in better understanding the presence/absence of disease and pathogens in wild and farmed fish in BC and the potential interactions between the two. In particular the Strategic Salmon Health Initiative is tasked with this work and DFO is working on a number of risk assessments in response to the Cohen Commission Report.

The Fish Health Audit and Surveillance Program of DFO Aquaculture Management annually collects a significant number of fish from farms throughout BC and reports on the findings related to fish health. This information is publically available on the DFO website.

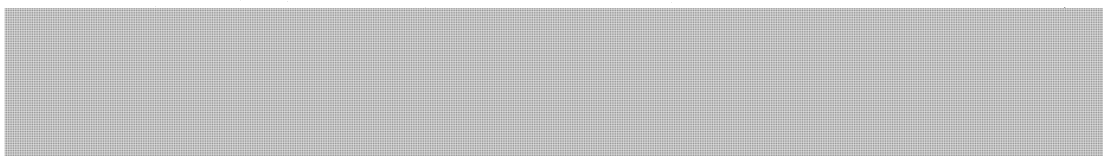
On December 20, 2017, DFO released a science advisory report focused on the Infectious Hematopoietic Necrosis Virus (IHNV). The report was conducted by the Canadian Science Advisory Secretary as IHNV is known to have caused disease on Atlantic salmon farms in the Discovery Islands. The report concluded that the risk posed to Fraser River Sockeye Salmon due to IHNV on Atlantic salmon farms in the Discovery Islands is minimal. Other pathogens such as PRV will be assessed in a subsequent process.

On February 2, 2018, DFO announced the creation of an independent expert panel to provide recommendations on the appropriate use and consideration of scientific evidence in decision-making process on aquaculture. The panel will be led by Canada's Chief Science Advisor, Dr. Mona Nemer, who will deliver a final report to Minister LeBlanc and Minister of Science Kirsty Duncan (Annex 1).

Broughton Archipelago

The escape of Atlantic salmon from a Washington state pen last summer has spurred debate in Canada about open-net fish farming due to fears the foreign fish could cause harm to the wild species of Pacific salmon. On January 23, 2018, six BC First Nations served an eviction notice to Marine Harvest Canada (the province's largest producer of farmed fish). Some of the company's leases expire in June, 2018. First Nations have made demands for an end to open-net fish farming in the Broughton Archipelago area.

On January 30, 2018, BC provincial ministers met with First Nation governments from the Broughton Archipelago in Vancouver to discuss tenure renewals in the Broughton area. At the request of the province, DFO officials also attended this meeting.



Provincial and First Nations governments issued a joint statement following the meeting confirming their intent to honour the implementation of the United Nations Declaration on the

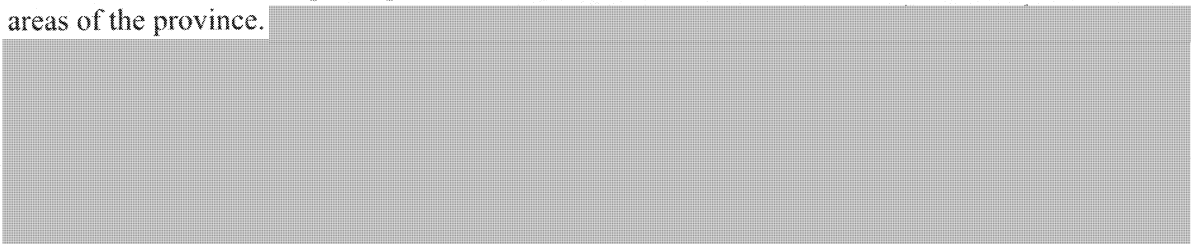
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s.14(a)

s.21(1)(b)

Rights of Indigenous Peoples and implement a "a consent-based government-to-government process" as part of the tenure renewal process (Annex 2).

As tenures expire, some or all of the salmon farm tenures in the Broughton Archipelago may not be renewed. First Nation participants also expressed a desire not to have tenures renewed in other areas of the province.



The Ministers Advisory Committee on Finfish Aquaculture Report (MAACFA)

In July 2015, the Province of British Columbia (BC) announced that it would not consider approvals for salmon aquaculture tenures until a new Ministerial advisory committee was established to provide recommendations related to issuing crown land tenures for marine finfish aquaculture activities. The Minister of Agriculture's Advisory Council on Finfish Aquaculture (MAACFA) was formed following this announcement. The MAACFA was made up of 16 representatives from First Nations, the marine finfish aquaculture industry, non-governmental organizations and academia. DFO agreed to participate on the committee as an observer and to provide advice as appropriate.

On April 4, 2018, the MAACFA report was publically released which outlines short and long term actions under six broad themes: Salmon Farm Locations; Aboriginal Rights and Title; Marine Planning and Community Engagement; Pathogens and Disease; Alternate Technologies and Approaches; Transparency and Information Gaps. The report also lists six strategic recommendations that reflect both the provincial role in authorizing crown-land tenures and DFO's role as the primary regulator of marine finfish aquaculture activities in BC. These are:

- Strengthen the precautionary approach to regulating salmon farming in B.C. to reduce the potential risk of serious harm to wild salmon.
- Acknowledge and incorporate First Nations' rights, title and stewardship responsibilities in all aspects of fish farm governance, including tenuring, licensing, management and monitoring in a manner consistent with the United Nations Declaration of Rights of Indigenous Peoples (UNDRIP).
- Increase community, stakeholder and local government engagement and marine spatial planning to improve public trust in aquaculture siting and operations.
- Move expeditiously to better understand the risk salmon farming poses to wild salmon from the transfer of pathogens (including sea lice) as well as the actual consequences of pathogen infection on wild salmon.
- Provide incentives for the continued research, development and adoption of salmon farming technologies that reduce the risk to wild salmon, including land-based closed containment.
- Improve the timeliness and accessibility of information on finfish aquaculture.

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Morton and Namgis Litigation

There are two current lawsuits that are examining similar issues related to fish health testing (PRV) and the issuance of the Introductions and Transfers licence under s. 56 of the Fisheries General Regulations (FGR). The Namgis case also seeks to have more consultation take place than is currently the case.

Recently the *Namgis* sought an injunction to stop fish from being transferred to the Swanson Island site, but this was not upheld by the court. In the interim, DFO is continuing to use its Introductions and Transfers Committee to review transfers and issuing licences pursuant to s. 56 of the FGR where warranted.

4. Salmon Management

DFO prepares annual Pacific Salmon Integrated Fisheries Management Plans IFMPs for the five species of salmon in British Columbia. The plans for Northern BC and Southern BC/Fraser River will be finalized in June or early July. It is expected the plans – once released - may attract media attention, given the forecast of low returns expected in a number of species, diminished prey availability for Southern Resident Killer Whales, issues addressed in the Committee on the Status of Endangered Wildlife in Canada (COSEWIC) assessments for five salmon species (Sakinaw Sockeye, Okanagan Chinook, Interior Fraser Coho, Fraser Sockeye, Interior Fraser Steelhead, and Southern BC Chinook), and environmental concerns facing migrating salmon.

- Fraser Sockeye: 2018 is a dominant return year for the famous Adams River Sockeye migration. A quantitative forecast has been developed, but there is considerable concern as returns in most recent years have fallen well below the median forecast. The draft IFMP identifies options for management approaches, including window closure considerations to protect weak populations at the start of the migration. Also proposed is an escapement plan option, setting out harvest control rules for in-season management.

Another management approach being considered in the draft IFMP is a set of rules governing opportunities to harvest abundant populations in terminal locations, known as Excess Salmon to Spawning Requirements (ESSR) fisheries.

BC Chinook Salmon: The 2018/19 draft Northern and Southern BC Salmon IFMP contemplates a substantial reduction in BC Chinook salmon harvests to address conservation concerns, which has been sent to First Nations and stakeholders on March 1, 2018 for review and comment. There is evidence of a regional pattern of reduced survival rates and productivity across many BC Chinook salmon stocks. This pattern extends to Southeast Alaska, Washington, and Oregon Chinook Salmon stocks as well; fishery reductions are also being planned by the State of Alaska to protect chinook populations returning to Southeast Alaska and northern BC transboundary rivers. Pre-season forecasts are for a well-below average abundance of Chinook salmon, in many cases below levels required to achieve minimum spawning escapement targets.

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DFO is proposing reduction in exploitation rates (in the range of 25-35%) for specific chinook stocks of concern. Management and conservation measures implemented to date have not been sufficient to rebuild populations, as stocks of concern are continuing to decline or are static.

DFO will also take additional actions to increase Chinook availability and accessibility in key Southern Resident Killer Whale (SRKW) foraging areas within their critical habitat. Measures will be designed to increase accessibility to prey and also reduce the presence and noise of fishing vessels and recreational boaters in key foraging areas. [REDACTED]

Canada's Policy for Conservation of Wild Pacific Salmon (Wild Salmon Policy or WSP) was released in 2005 after five years of consultations with First Nations, partners, and stakeholders. It clarifies the rationale for a conservation-based management approach for salmon and their ecosystems. The goal of the WSP is to "restore and maintain healthy and diverse salmon populations and their habitats for the people of Canada in perpetuity." It is distinct from the Atlantic Wild Salmon Policy, and contains both core policy elements (goal, objectives, and guiding principles) and implementation focused elements (strategies and action steps). The WSP is integral to the Department's policy framework, and guides resource management decision-making and scientific advice.

The development of a detailed WSP Implementation Plan is part of a renewed focus on the 75 recommendations of the Cohen Commission final report, *The Uncertain Future of Fraser River Sockeye*. The most recent Cohen status update was published on September 28, 2017. Eight of these recommendations related directly to the WSP, while the rest fall under the themes of Fisheries Management, Aquaculture, Habitat, and Science. In this public update, the Department announced that DFO and its partners (Government of BC and Environment and Climate Change Canada) have acted on 64 of the 75 recommendations.

Informed by the recommendation from the Cohen Commission that an implementation plan would make the WSP more effective, and to integrate salmon program delivery, DFO Pacific Region staff are working with key partners to develop a final *2018-2022 WSP Implementation Plan*. The Implementation Plan will outline key activities and their timelines and accountabilities to be undertaken over the next five years to implementing the Wild Salmon Policy. It will publically commit DFO to annual reporting on progress and focuses on transparent dissemination of information.

An initial draft WSP Implementation Plan was the focus of over 32 consultation and engagement sessions, stakeholder meeting updates and online engagement that occurred across BC and Yukon in fall/winter 2017. Consultation sessions involved 13 meetings with over 90 First Nations and 12 public open houses in 12 locations. Hundreds of written and on-line submissions were received during the public input period, which ended in December 2017. A final draft of the five year WSP implementation plan is now being developed, informed by input from fall 2017 consultations, for approval and release publically [REDACTED]

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During the development of the draft WSP Implementation Plan, BC government representatives offered ideas and advice, alongside other partners including the BC First Nations Salmon Coordinating Committee under the BC First Nations Fisheries Council; the Yukon Salmon Sub-Committee; and the Pacific Salmon Foundation. Further meetings with partners, including BC government officials are anticipated as the final five-year WSP Implementation Plan is completed.

5. Fisheries Act Review

On February 6, 2018, Bill C-68 was tabled in the House of Commons, announcing proposed amendments to the *Fisheries Act* that would restore lost protections and incorporate modern safeguards to protect our fish and their habitat for generations to come. You also announced that the government will invest up to \$284.2 million to support restoring lost protections and incorporating modern safeguards.

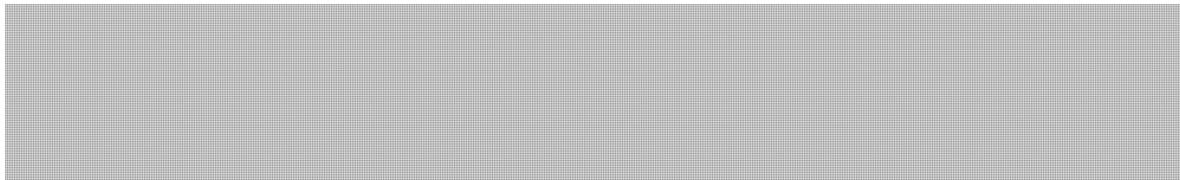
Provinces and territories were given 24 hours' notice before the tabling of the Bill. Canadian Council of Fisheries and Aquaculture Ministers (CCFAM) Deputy Ministers requested a briefing the day of tabling, which was provided. A longer briefing was held on February 7, 2018 by the CCFAM *Fisheries Act* Task Group, which included participants from other provincial and territorial departments implicated by the Bill. Regional engagement with BC is planned with staff from the Fisheries Protection Program to discuss the proposed amendments and next steps, which is complementary to the work of the CCFAM Task Group.

Public reaction to date has been mostly positive, with accolades coming from environmental groups and some fishers organizations. BC's First Nations Fisheries Council have expressed satisfaction with the direction of the federal government, however, they would have preferred to see it go further.

6. Indigenous Reconciliation

The Government of Canada's has committed to building renewed nation-to-nation, government-to-government, and Inuit-Crown relationships with Indigenous Peoples based on respect, recognition, cooperation, and partnership extends to the fisheries, oceans, and marine waterways portfolio. In many cases, DFO is the face of the federal government for many Indigenous people, and is thus well-suited to advance the reconciliation agenda.

DFO is undertaking numerous initiatives to advance reconciliation, including establishing new negotiating tables with Indigenous groups pursuant to constructive agreements, embarking on a national review exercise with Indigenous groups to renew and co-design its Indigenous programs.



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On January 12, 2018, the BC Ministry of Indigenous Relations and Reconciliation and the five Maa-nulth First Nations jointly announced and signed a new government-to-government agreement to strengthen and affirm their treaty partnership. It is expected that this agreement will create a regular forum to discuss, prioritize and collaborate on topics of mutual interest, including land, resource management and treaty implementation issues between BC and First Nations.

Following the January 30, 2018 announcement on the Broughton Archipelago, the BC government announced they would embark on government-to-government discussions to address the issues and concerns about fish farms in the Nations' traditional territories and "to do the necessary hard work to find a path forward together in the Broughton Archipelago in keeping with and enacting the principles of the United Nations Declaration on the Rights of Indigenous Peoples."

Following the PM's announcement of a new *Framework on the Recognition and Implementation of Rights* on February 14, 2018, Minister LeBlanc wrote to five representatives of Indigenous Nations to reassure the Government of Canada's priority on reconciliation between Canada and Indigenous peoples, by extending an offer to transfer licences and quotas for groundfish, salmon and shellfish valued at just over \$8 million, bringing the value of the Five Nations' existing access in these species to \$40 million. Additionally, Minister LeBlanc indicated Canada's commitment to reviewing and co-developing the Allocation Policy for Pacific Salmon and to increase their Chinook salmon access.

DFO is in the process of developing a plan to implement the federal government *Rights and Recognition Framework* and the *Recognition of Indigenous Rights and Self-Determination* which will guide Departmental efforts towards reconciliation. It is unclear how the BC government process will align with the federal approach as both approaches are still evolving at this time.

In the second phase of the *Ahousaht* trial, which concluded in October 2016, the British Columbia Supreme Court heard arguments on the further delineation of the established Aboriginal right to fish and to sell fish found in the BCSC's 2009 decision in the first phase of this trial. It also heard arguments on whether DFO's fisheries management regime continues to infringe that right, and on the justification of the Crown's *prima facie* infringement of the *Ahousaht* right. On April 19, 2018 the BC Supreme Court released their decision in regards to the *Ahousaht* trial. The BCSC confirmed the earlier courts ruling and provided greater clarity to Canada and the Plaintiffs on the definition associated with the commercial right, and the obligations of DFO to ensure priority access to chinook and coho salmon over the recreational fishery.



Finally, DFO agreed to cancel this year's commercial herring roe fishery on BC's central coast. However, Heiltsuk First Nation (located in Bella Bella) were allowed a limited spawn fishery for food, social and ceremonial (FSC) and commercial purposes in the spirit of reconciliation. In the

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past, DFO has not allowed a First Nation commercial spawn fishery unless a licensed commercial roe fishery was also allowed.



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CLASSIFICATION
GCCMS #: 20##-###-#####
EKME #: #####

To: Catherine Blewett
Pour:

Date:

Object: **MEETING WITH BRITISH COLUMBIA MINISTER OF AGRICULTURE,**
Objet: **LANA POPHAM**

From / De: Andrew Thomson, Regional Director, Fisheries Management

Via: Rebecca Reid, Regional Director General, Pacific Region

Additional approvals:
Autre(s) approbation(s):



Material for the Minister
Documents pour le Ministre



Your Signature
Votre signature



Information

Screen: The Department has assessed this issue in full.

Filtre: ☐ It contains no reference to matters covered by the screen relating to J.D. Irving Limited.
☐ It contains matters referenced in the screen relating to J.D. Irving Limited, but in our view does not engage the screen.
☐ In our view, the screen relating to J.D. Irving Limited should be engaged.

Remarks: This briefing note was developed in consultation with the following
Remarques: regions/sectors:
Andrew Thomson, Regional Director, Fisheries Management
Allison Webb, Director, Aquaculture Management Division
Sarah Murdoch, Director, Policy and Economics Analysis
Jennifer Nener, Director, Salmon Management and Client Services

Distribution: *Please indicate name of people to receive a copy and if prior or following the DM approval.*

Drafting Officer/
Rédacteur:

NAME (TEL #)/ Director / admin initials

**Pages 48 to / à 49
are not relevant
sont non pertinentes**

Trans Mountain Expansion - Non-Compliance with *Fisheries Act* Authorization Conditions for Westridge Marine Terminal Expansion

Background

- On April 3, 2018, DFO became aware of a potential non-compliance with conditions of the *Fisheries Act* authorization issued to Trans Mountain Pipeline ULC (the Proponent) in September 2017 for expansion of the Westridge Marine Terminal in Burrard Inlet.
- The non-compliance issue relates to failure of the proponent to maintain a marine mammal exclusion zone per the conditions of the Authorization to ensure that marine mammals are not exposed to underwater noise levels during impact pile driving that may adversely impact the behaviour of these mammals.
- The conditions of the Authorization require that the Proponent expand the marine mammal exclusion zone beyond the 1 km boundary specified in the Authorization when sound levels exceed the 160 dB threshold. The Proponent's monitoring reports reviewed by DFO demonstrate that pile driving activities exceeded this threshold on January 12, 2018.
- Despite this threshold exceedance, Trans Mountain did not extend the boundary of the exclusion zone as required by Condition 2.2.9.8 and thereby failed to fulfill the requirements of this condition.
- Pile driving subsequently took place on January 30, February 1 and February 2, 2018. The January and February 2018 Noise Monitoring Reports indicate that on these dates, Trans Mountain did not measure underwater noise levels within the exclusion zone to ensure that the 160 dB noise threshold was not being exceeded.
- In a memo from Trans Mountain to DFO dated April 22, 2018, Trans Mountain indicated that underwater noise levels within the exclusion zone could not be measured on January 30, February 1, and February 2 because one of the two hydrophones typically on-site to measure noise levels within the exclusion zone had been damaged and required repair. The second remaining hydrophone on-site was used to measure underwater noise levels within 10 m of the pile being driven (as required by Condition 2.2.9.2). As a result, on these dates, Trans Mountain conducted pile driving activities without recording underwater noise levels within the exclusion zone thereby failing to meet requirements of Condition 2.2.8.
- To ensure ongoing compliance with Condition 2.2.9.8 of the Authorization, Trans Mountain confirmed via its April 22, 2018, memo that it now maintains two backup hydrophones on site. Going forward, in future pile driving activities, Trans Mountain has also committed to conducting verifications within the 1.6 km marine mammal exclusion zone boundary whenever there are changes in pile diameter, seabed depth profile for pile installation, or whenever a different impact hammer is used to ensure that this 1.6 km radius continues to meet the requirements of Condition 2.2.9.8.
- In the course of verifying the potential non-compliance with Trans Mountain, DFO became aware on April 26, 2018 that Trans Mountain had not provided copies of the January, February, and March 2018 monthly construction monitoring reports to the Indigenous

s.21(1)(b)

Advisory Monitoring Committee (IAMC), as required under Condition 6.1 of the Authorization, thereby resulting in a failure to meet the requirements of this condition. Monitoring reports have subsequently been provided.

- Condition 6.3 requires that where monitoring reports indicate non-compliance with any of the conditions of the Authorization, that Trans Mountain identify the reasons for non-compliance, remedial actions or measures taken or to be taken, a timeline for their implementation and the effectiveness of any implemented remedial measures. This condition also requires that this information be provided in a report to DFO and the IAMC concurrently, and in a timely manner. To date, this information has not been provided, so Trans Mountain remains out of compliance with the requirements of this condition.
- On May 29, 2018, DFO confirmed a further instance of non-compliance. Trans Mountain has failed to ensure that impact pile driving activities do not result in exceedances of underwater sound levels beyond a threshold that could result in injury to finfish, and in the event that such exceedances occur, ensure that impact pile driving activities cease and mitigation measures are reviewed in consultation with DFO.
- DFO became aware of the latest noise exceedances and Trans Mountain's failure to review mitigation measures in consultation with DFO during its review of the April 2018 construction monitoring report. DFO received that report on May 22, 2018 and reviewed it shortly thereafter. This instance of non-compliance was discussed with the proponent's representatives during DFO's most recent site inspection on May 29, 2018. A representative of the Indigenous Caucus of the IAMC's Monitoring Sub-Committee was informed of the exceedances during the May 29 DFO site inspection.
- The IAMC is in possession of the monitoring reports. At minimum, the IAMC is aware of the instance of non-compliance related to the proponent's failure to share monthly construction monitoring reports with members of the IAMC. Some members of the IAMC and the Monitoring Sub-Committee may also be aware of some or all of the other instances of non-compliance.

Next Steps

- The Fisheries Protection Program has completed its compliance verification process for the non-compliance and has drafted a letter to Trans Mountain. [REDACTED]
- DFO has contacted the National Energy Board (NEB) with respect to this issue. The NEB has indicated that it does not intend to take action as the DFO follow-up and warning letter is sufficient for ensuring an appropriate exclusion zone for marine mammals.
- The next IAMC meeting is on June 4 - 6. DFO has not formally communicated the instances of non-compliance to the IAMC but anticipates doing so at the June 4-6 IAMC meeting. The NEB has conveyed they will also be prepared to speak to this issue in relation to its broader regulatory responsibility for the Trans Mountain project.

**Pages 52 to / à 56
are not relevant
sont non pertinentes**

May 30, 2018

TRANS MOUNTAIN EXPANSION PROJECT

Screening:

☒ It contains no reference to matters covered by the screen relating to J.D. Irving Limited.

General Lines:

- The protection of our environment and the preservation of fish and fish habitat are top priorities for Fisheries and Oceans Canada.
- Fisheries and Oceans Canada and the National Energy Board work closely on reviewing and monitoring the marine and pipeline components of energy infrastructure projects to minimize potential impacts to fish and fish habitat.
- Following an initial review, if the National Energy Board suspects that there may be serious harm to fish at individual watercourses, they will be referred to Fisheries and Oceans Canada for further review.
- We are committed to working with the National Energy Board, Indigenous groups, the proponent and other relevant parties to ensure that fish, marine mammals, and their habitats are protected throughout the construction and operation of the project.

If pressed on Monitoring at the Westridge Marine Terminal

- In September 2017, Fisheries and Oceans Canada provided a *Fisheries Act* authorization for construction related activities at the Westridge Marine Terminal.
- The proponent provides monthly monitoring reports for approved work at the marine terminal as a condition of the authorization. Fisheries and Oceans Canada also conducts regular site visits.
- Fisheries and Oceans Canada officials are reviewing the most recent monitoring report to confirm compliance with conditions of the *Fisheries Act* authorization, some of which relate to the protection of marine mammals.

If pressed on Southern Resident Killer Whales:

- Our government is committed to the protection of Canada's resident killer whales and to the recovery of these populations.
- Our Government is working in partnership with Indigenous peoples, key stakeholders, international partners and the province of British Columbia on immediate actions to reduce the impact of marine shipping and assist in the recovery of the southern resident killer whale.
- Before any shipping from the Trans Mountain Expansion (TMX) project begins, our Government is committed to advancing work in key areas to reduce impacts on Southern Resident Killer Whales. The objective is to more than mitigate the impact of additional TMX marine traffic before the project begins operations.

If pressed on Spawning Deterrents:

- The National Energy Board reviewed and assessed the appropriateness of spawning deterrent mats at the watercourse crossings where their use was proposed by Trans Mountain.
- The potential for the placement of spawning deterrent mats to cause an impact is site and circumstance specific. Based on the information available, no enforcement action is being contemplated at this time by my Department.
- My Department continues to actively work with the National Energy Board to monitor watercourse crossing activities for potential impacts to fish and fish habitat

Background:

- The Trans Mountain Expansion Project (TMX) would expand the existing Trans Mountain pipeline system between Edmonton, AB and Burnaby, BC. It includes approximately 987 km of new pipeline, new and modified facilities, such as pump stations and tanks, and the reactivation of 193 km of existing pipeline. The Project includes an expansion of the Westridge Marine Terminal to accommodate 34 tankers per month, up from the 5 that are currently loaded at the existing terminal.
- On November 29, 2016, the Governor in Council (GIC) approved TMX and issued an Order in Council approving the Project subject to 157 conditions identified by the National Energy Board (NEB).
- In its review of the Project, the NEB found that there would be significant adverse effects related to increases in marine shipping assessed under the *National Energy Board Act* with respect to the Southern Resident Killer Whale (SRKW), Indigenous cultural use associated with the SRKW and direct greenhouse gas emissions from marine vessels.
- DFO was an intervenor in the NEB review and provided specialist and expert information for the construction and operation of the marine terminal, including potential impacts from increased marine shipping.
- On September 8, 2017, DFO issued the *Fisheries Act* authorization for construction of the marine terminal expansion. Although local Indigenous groups opposed the terminal expansion, a judicial review of the authorization was not filed.

- The NEB is responsible for reviewing proposed works, undertakings and activities at TMX watercourse crossings pursuant to a Memorandum of Understanding between DFO and the NEB on the cooperation and administration of the *Fisheries Act* and the *Species at Risk Act*.
- In early September 2017, the NEB became aware that Trans Mountain had installed fish spawning deterrents in several watercourses along the pipeline route. On October 12, 2017, the NEB issued a letter to Trans Mountain confirming the installation of the spawning deterrents was in non-compliance with the Project certificate and NEB Act. The NEB notified DFO and ordered the Proponent to cease the installation of additional spawning deterrents, and to remove the mats when impacts to fish and fish habitat could be avoided. On December 12, 2017, the last of the spawning deterrent mats was removed.
- DFO is working closely with the NEB on watercourse crossings where the NEB is of the view that works, undertakings or activities may cause *serious harm to fish*. DFO remains responsible for issuing any authorizations under the *Fisheries Act*.
- In approving the project, the Government of Canada committed to more than mitigate the impact of additional TMX marine traffic (i.e. underwater vessel noise) before the project begins. DFO and Transport Canada have been working on the review and assessment of measures, including approaches proponents could take to be more active in the direct mitigation of underwater noise from project-related vessel traffic.
- s.21(1)(b) • The Judicial Review of the NEB report and Governor in Council decision on the project concluded on October 13, 2017. In addition to concerns related to Indigenous consultation, the NEB's assessment of SRKW and the increase of marine shipping and underwater noise were raised during the hearing. [REDACTED]
- On April 8, 2018, Kinder Morgan announced that it was suspending all "non-essential activities" and related spending for the Trans Mountain Expansion (TMX) Project. The proponent cited ongoing opposition from the Government of British Columbia. The proponent had stated that it would consult with stakeholders in an effort to reach agreements before May 31, 2018. On May 29, 2018, the Government of Canada announced that it would buy the Trans Mountain pipeline and infrastructure related to the expansion project for \$4.5 billion. The sale is not anticipated to change the role of DFO in relation to the project.

Parliamentary Affairs Analysis:

- TMX has had significant interest in the House of Commons during Question Period.

Name of DG / Nom du directeur général : Nicholas Winfield
Sector/Secteur : Ecosystems Management- Gestion des écosystèmes
Telephone number / Numéro de téléphone : 613-998-9088

Pages 61 to / à 63
are withheld pursuant to sections
sont retenues en vertu des articles

69(1)(g) re: (e), 69(1)(g) re: (a), 69(1)(g) re: (c)

of the Access to Information Act
de la Loi sur l'accès à l'information



s.21(1)(a)

s.21(1)(b)

Docket #: 2018-009-00314

Security Classification: UNCLASSIFIED

SCENARIO NOTE

MEETING WITH THE HONOURABLE LANA POPHAM, BC MINISTER OF AGRICULTURE

Overview

You will be meeting with Minister Popham by telephone at 4:30 p.m. EST on June 5, 2018. This replaces a meeting originally planned for April 17, 2018, which was cancelled. The purpose of the meeting is to discuss a number of issues with implications for both the federal and provincial governments, including:

1. Interior Fraser River Steelhead Trout Emergency Listing Process
2. Trans Mountain Pipeline Expansion
3. Aquaculture including the MAACFA Report
4. Salmon Management
5. Southern Resident Killer Whales (SRKW)
6. International Year of the Salmon
7. *Fisheries Act* Review
8. *Ahousaht* decision and Indigenous Reconciliation

On March 23, 2018 Ministers Popham and Donaldson (Minister of Forests, Lands and Natural Resource Operations, and Rural Development) sent you a letter indicating their concern for Interior Fraser steelhead and salmon stocks, in particular that 20 strains of Fraser salmon are being considered for listing as endangered. The letter expresses the desire to support the recovery of salmon stocks through improving the working relationship between DFO and the Province and through engagement with Indigenous peoples and other stakeholder groups. The letter notes that improving collaboration could have the benefit of aligning outcomes with the International Year of the Salmon (2019) and the release of DFO's *Wild Salmon Policy Implementation Plan*.

DFO generally has a positive relationship with the Province. Since the fisheries portfolio is spread across a number of different Provincial ministries, there is a level of complexity to the intergovernmental relationship between DFO and BC. Key provincial agencies for DFO include:

- The Ministry of Agriculture, responsible for the seafood industry, fish processing and supports the aquaculture industry. The Ministry of Agriculture also houses BC's 'Seafood

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s.21(1)(a)

Secretariat', which coordinates the BC government's response and participation on issues related to fisheries and aquaculture.

- The Ministry of Forests, Lands, Natural Resource Operations & Rural Development, houses the terrestrial and marine planning portfolios for the Province, including the issuance of Provincial land tenures required for aquaculture operations. This Ministry also includes a Director of Fish and Aquatic Habitat, a new position that was created in May, 2018.
- The Ministry of Environment, which oversees fisheries management issues in marine waters, fish habitat, species at risk protection and aquatic invasive species.

1. Issue: Interior Fraser River Steelhead (Thompson and Chilcotin Populations)

Spawning escapement of Interior Fraser Steelhead has been on a downward trend for many years, with recent years' escapements reaching the lowest on record. This resulted in a request for the Committee on the Status of Endangered Wildlife in Canada (COSEWIC) to undertake an emergency assessment, and their report, issued February 13, 2018, assessed both the Thompson River and Chilcotin River Steelhead Trout as *Endangered*. The emergency listing process is underway to determine whether or not to list these two designated units (DUs) under the *Species at Risk Act* (SARA) on an emergency basis.

Steelhead are managed by the Province; however they co-migrate with Chum Salmon and may therefore be intercepted in both coastal and in-river fisheries directed on Chum Salmon.

Minister's Objectives

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Key Messages

- **Both the federal and provincial governments need to collaborate throughout the Steelhead emergency listing process, as joint managers of the resource.**
- **I understand DFO and Provincial Ministries are working to develop a formal joint governance structure to facilitate a coordinated and collaborative emergency listing process.**
- **Collaboration is also critical at the working level between DFO and Provincial staff in order to complete the work that needs to be done to**

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s.21(1)(a)

further inform recommendations on a listing decision, under compressed timelines.

- **While DFO has significantly curtailed commercial fisheries that may impact Interior Fraser River steelhead for many years, we have been consulting on additional conservation measures for 2018 (i.e. a rolling fisheries closure that essentially travels with the fish as they migrate through Johnstone Strait and the Strait of Georgia, and up the Fraser River).**
- **Closures could include marine and in-river commercial chum fisheries, as well as Indigenous food, social and ceremonial (FSC) fisheries, which would also necessitate closure of recreational fisheries in the Fraser River.**

2. Issue: Trans Mountain Pipeline Expansion

The Trans Mountain Expansion Project is a proposed expansion of the existing Kinder Morgan pipeline system between Edmonton, Alberta and Burnaby, British Columbia. It involves approximately 987 km of new pipeline, new and modified facilities, and the reactivation of 193 km of existing pipeline, which would effectively triple the system's capacity. Also proposed and underway, is the expansion of the Westridge Marine Terminal located in Burrard Inlet to accommodate 34 tankers per month; an increase from five per month.

The project has faced significant protests and legal challenges, including a plan by British Columbia to put before the courts a reference case requesting guidance on whether British Columbia has the jurisdiction to prevent the shipment of diluted bitumen through the province.

In April, the proponent issued an ultimatum indicating that it needed clarity on the path forward for the \$7.4-billion project by May 31, 2018 or it would abandon construction. In response, the Finance Minister announced that the Government of Canada would be willing to compensate Kinder Morgan for any losses incurred due to the Province's political opposition to the project.

Minister's Objectives

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Key Messages

- **The protection of our environment and the preservation of fish and fish habitat are top priorities for Fisheries and Oceans Canada.**

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s.21(1)(a)

- **Fisheries and Oceans Canada and the National Energy Board work on reviewing the pipeline components of energy infrastructure projects to minimize potential impacts to fish and fish habitat.**
- **We are committed to working with the National Energy Board, Indigenous groups, the proponent and other relevant parties to ensure that fish, marine mammals, and their habitats are protected throughout the construction and operation of the project.**
- **The environmental rigour already in play under the \$1.5B Oceans Protection Plan is a demonstration of our shared environmental values to both governments.**
- **Under the Oceans Protection Plan, researchers will examine how oil spills behave in water, how we might improve clean-up technologies, what impacts they may have and alternative response measures, how to best mitigate impacts, and how to ensure ecological recovery after an incident.**

3. Issue: Aquaculture

The province is facing increasing - and often times divergent - pressure from Indigenous groups, industry, international and other levels of governments on aquaculture issues.

On April 4, 2018, the Minister of Agriculture's Advisory Council on Finfish Aquaculture released a report which provided six recommendations to improve the management of salmon aquaculture in BC. The recommendations are generally in alignment or complementary to those of the Office of the Auditor General, which was released on April 24, 2018. DFO is already making progress in some of the areas where improvements were recommended and should be in a good position to respond.

Minister's Objectives

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Key Messages

Use of scientific evidence to inform decision making in areas such as fish health

- **We have recently announced the creation of an independent expert panel to provide recommendations on the appropriate use and consideration of scientific evidence in protecting the marine environment in decision-making on aquaculture.**
- **The Department's Fish Health Audit and Surveillance Program and investments in research such as the Strategic Salmon Health Initiative will continue to focus on increasing our understanding of the dynamics of fish health and minimize the risks to wild fisheries resources.**

Broughton Archipelago - Process

- **We recognize the concerns of First Nations, especially of those in the Broughton archipelago area. We also recognize the challenges that this represents to industry as it relates to the renewal of tenures.**
- **We are interested in discussing the future of these tenures and process for approvals in the Broughton and other areas of British Columbia considering the reconciliation agenda with Indigenous people.**

Litigation on the Introduction and Transfer Licences and Duty to Consult

- **There are two significant matters currently before the courts in the *Morton* and *Namgis* cases related to the duty to consult and testing for piscine reovirus (PRV) before the issuance of an Introductions and Transfer licence.**
- **DFO will consider any implications of the decisions once they are rendered, but in the interim is continuing to issue Introductions and Transfers licences to stock fish.**

BC Minister of Agriculture's Advisory Council on Finfish Aquaculture (MAACFA)

- **We thank BC for completing this review and look forward to working with you in considering how to best respond to the recommendations set out in the MAACFA report.**

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s.21(1)(a)

s.21(1)(b)

- The Office of the Auditor General released their report on finfish aquaculture on April 24, 2018. Many of the recommendations are complementary to the MAACFA report.
- DFO has already started work in some of the key areas identified for improvement and looks forward to sharing that work with BC.

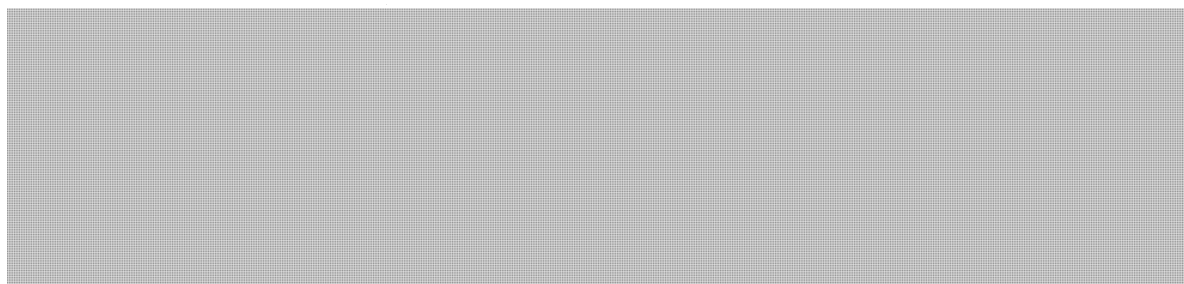
4. Issue: Salmon Management

The Province of BC is discussing the idea of a dedicated provincial government entity to streamline their wild salmon related work, as currently salmon-related responsibilities fall between six provincial ministries.



Minister's Objectives

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Key Messages

- The development of the *Wild Salmon Policy Implementation Plan* is a key part of DFO's response to the Cohen Commission, which includes the sustainable management of wild Pacific salmon in collaboration with First Nations, the BC government, stakeholders, and other partners.
- DFO appreciates BC's participation to date, and is interested in other related opportunities for collaboration going forward, especially around salmon habitat science, monitoring and restoration.
- Broad engagement undertaken in the fall of 2017 on the development of a draft *Wild Salmon Policy Implementation Plan* involved consultations with more than 90 First Nations, stakeholders and the public across the province. Many comments received called for greater collaboration between our respective agencies.

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s.21(1)(a)

s.21(1)(b)

- **Integrated Fisheries Management Plans (IFMPs) are developed annually with feedback from First Nations, commercial, and recreational fishermen, and the Integrated Harvest Planning Committee.**
- **DFO is proposing a reduction in exploitation rates for specific chinook stocks of concern, both to support conservation and promote rebuilding of steelhead.**

5. Issue: Southern Resident Killer Whales (SRKW)

On May 24, 2018, DFO and ECCC announced that Southern Resident Killer Whales face an imminent threat to both survival and recovery under the *Species at Risk Act*. Measures to increase prey availability and conserve Chinook Salmon, the primary food source for the SRKW was also announced.

Minister's Objectives:

- [REDACTED]

Key Messages:

- **The Department is undertaking a number of measures to increase prey availability for SRKW. This includes \$9.5 million in funding from the Coastal Restoration Fund to support eight projects across BC to help restore habitat for Chinook Salmon.**
- **Southern Resident Killer Whale critical habitat in the Salish Sea is protected by Order against destruction; the Department is currently working towards protecting additional areas of important habitat identified off the southwest coast of Vancouver Island, including on Swiftsure Bank.**
- **DFO is consulting with Indigenous groups and salmon fishing sectors on new management measures aimed at increasing prey availability for the SRKW and reducing physical and acoustic disturbance from fishing vessels.** [REDACTED]
Included are chinook fishery closures in key foraging areas.
- **Over \$9 million in science funding has been earmarked to develop and test technologies to detect the presence of whales and additional \$3**

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s.21(1)(a)

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million has been dedicated to study the impacts of underwater noise and reduced availability of prey on marine mammals including SRKW.

6. Issue: International Year of the Salmon

The International Year of the Salmon (IYS) is a project launched by North Pacific Anadromous Fish Commission (NPAFC) and the North Atlantic Salmon Conservation Organization (NASCO) and other partners. The IYS focal year will be 2019, with projects and activities starting in 2018 and continuing into 2020.

The IYS is an international framework for collaborative outreach and research. Through outreach efforts the IYS will raise awareness of what humans can do to better ensure salmon and their varied habitats are conserved and restored against the backdrop of increasing environmental variability, and thus the overall theme is 'salmon and people in a changing world'. The IYS will stimulate an investment in research and leave a legacy of knowledge, data/information systems, tools, and a new generation of scientists better equipped to provide timely advice to inform management of salmon.

Minister's Objectives

- [REDACTED]

Key Messages

- **IYS provides a tremendous opportunity for BC to join collaborative efforts with others regarding a range of management issues linked with salmon.**
- **IYS also provides an opportunity to highlight good work in international forums and to both share with and learn from experts from around the northern hemisphere.**

7. Issue: Fisheries Act Changes and Implementation

Minister's Objectives

- [REDACTED]

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s.21(1)(a) **Key Messages**

s.21(1)(b)

- In the past two years provinces and territories, including British Columbia, have contributed significant input to the *Fisheries Act* changes. Much of this input was reflected in Bill C-68, which was tabled in the House of Commons on February 6, 2018.
- A number of briefings took place through CCFAM at the Deputy Minister level, as well as at the technical level through the *Fisheries Act* Task Group. More briefings will be held in the weeks to come.
- We look forward to further work with BC as program, policy and regulatory updates are developed consistent with the changes to the *Fisheries Act*, particularly in the areas of habitat science, monitoring and protection.

8. **Issue: Ahousaht Decision and Indigenous Reconciliation**

[REDACTED]

[REDACTED] DFO's response to the BC Supreme Court *Ahousaht* decision released on April 19, 2018. The decision clarifies the scope and nature of the Five Nations' right. That is: the right to fish and sell fish be interpreted as a small-scale, artisanal, local, multi-species fishery to be conducted in a nine nautical mile strip from shore, using small, low-cost boats with limited technology and restricted catching power and aimed a wide community participation. The decision has emphasizes that the Minister of Fisheries and Oceans, with the large trained DFO staff, has the responsibility for the entire fishery and for the allocation of quotas.

Minister's Objectives

- [REDACTED]

Key Messages

Indigenous Reconciliation

- **DFO supports the new federal *Framework on the Recognition and Implementation of Indigenous Rights*. We recognize that fish, fisheries,**

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oceans, aquatic habitat, and marine waterways are culturally, socially, and economically significant for Indigenous communities.

- **DFO values open dialogue and will continue to use its negotiation tables as a primary vehicle for discussion on Indigenous rights, continuing to encourage First Nations to negotiate how their rights will be implemented.**

Ahousaht Decision

- **DFO has taken concrete actions in the spirit of reconciliation by extending an offer to the five Nuu-chah-nulth Nations to provide additional licences and quota for groundfish, salmon and shellfish for this fishing season.**
- **In addition, DFO is committed to reviewing and co-developing the Salmon Allocation Policy and moving to increase the Chinook salmon access of the Five Nations as part of an ongoing dialogue.**
- **DFO will be engaging with Indigenous and non-Indigenous groups in the review of the Salmon Allocation Policy and in other related efforts to implement and accommodate the rights of the Five Nations.**
- **The Fisheries Act and regulations still apply, and licences from DFO continue to be required to harvest fish. DFO will work to ensure that fisheries continue to be managed in an orderly, safe, stable and predictable.**

Attachment: (1)

1) Background



Fisheries and Oceans Canada
Correspondence Routing Slip

Fiche d'acheminement de correspondance
Pêches et Océans Canada

UNCLASSIFIED
GCCMS #: 2018-009-00314
EKME #:3919952

To: Catherine Blewett
Pour:

Date:

Object: **MEETING WITH BRITISH COLUMBIA MINISTER OF AGRICULTURE,**
Objet: **LANA POPHAM**

From / De: Andrew Thomson, Regional Director, Fisheries Management

Via: Rebecca Reid, Regional Director General, Pacific Region

Additional approvals:
Autre(s) approbation(s):



Material for the Minister
Documents pour le Ministre



Your Signature
Votre signature



Information

Screen: The Department has assessed this issue in full.
Filtre: ☒ It contains no reference to matters covered by the screen relating to J.D. Irving Limited.
☐ It contains matters referenced in the screen relating to J.D. Irving Limited, but in our view does not engage the screen.
☐ In our view, the screen relating to J.D. Irving Limited should be engaged.

Remarks: This briefing note was developed in consultation with the following
Remarques: regions/sectors:
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Jennifer Nener, Director, Salmon Management and Client Services

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Drafting Officer/
Rédacteur:

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